

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.82 of 2025

Shri Surajit Sengupta

.....Petitioner

_V_E_R_S_U_S_

The State of Tripura & 2 Others

.....Respondents

For Petitioner(s) : Mr. B. N. Majumder, Sr. Advocate.
Mr. Elemborok Debbarma, Advocate.
For Respondent(s) : Mr. K. De, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_F_I_N_A_L_O_R_D_E_R_

15.02.2025

Heard.

[2] The present petition has been filed under Article-226 of the Constitution of India for setting aside/cancelling/quashing the communication No. F.No.WP (C)794/2024/(49-50), dated 04.01.2024 (Annexure-4) and further directing the respondent authorities to renew the deed writer's license of the petitioner in terms of his application for renewal dated 23.12.2024.

[3] The petitioner has prayed for the following reliefs:

- i. Call for and take up the records of WP(C) No.794 of 2024, along with the present writ for convenience.
- ii. Issue notice upon the respondents.
- iii. Issue a writ in the nature of certiorari, setting aside, cancelling/quashing the communication No. F.No.WP(C)794/2024/(49-50), dated 04.01.2024 (Annexure-4).
- iv. Issue a writ in the nature of mandamus, mandating/directing the respondent authorities to renew the petitioner's deed writer's license, in accordance with his application for renewal dated 23.12.2024 (Annexure-3)."

[4] The facts in brief are that the present petition has been filed seeking appropriate relief against the respondents for their failure of comply with the order dated 18.12.2024 passed by this Court in WP(C) No.794 of 2024. By the said order, this Court directed that the revocation of the petitioner's deed writer license be kept in abeyance until an appropriate order is passed by the appellate authority. Despite, being aware of the Court's order, the respondents have refused to renew the petitioner's license, citing the argument that the order did not explicitly mention renewal. This stance not only disregards the intent of this Court's directive but also

renders the principle of abeyance ineffective, thereby depriving the petitioner of his right to livelihood and professional practice.

[5] In view of above and having heard the learned counsel appearing for the parties, this Court is of the view that this is a second round of writ petition. Earlier, in Writ Petition No.794/24 order was passed against cancellation of deed writer license of the petitioner and the same stood disposed of vide order dated 18.12.2024. This Court while disposing the writ petition gave liberty to the petitioner to file an appeal before the appellate authority and till a decision is taken, the order of cancellation was 'kept in abeyance'.

[6] The petitioner approached before the respondents seeking permission to renewal of his license in the light of the "order of abeyance". The respondent by communication dated 04.01.2024 has addressed to the petitioner that there is no specific order of renewal of deed writer license it is only the cancellation order which was "kept in abeyance".

[7] The copy of the license is also not placed on record. In the event if the license do not have any expiry date its needless to observe that by virtue of the order in abeyance, the petitioner is entitled to conduct the business.

[8] In the event if the petitioner's license stood expired by an efflux of time, it is always open for the petitioner to make appropriate application before the appellate authority since, the appeal itself is pending. There cannot be any parallel proceedings for the same cause of action to conduct the business by splitting the reliefs and one before the appellate authority and another before this Court under 226 of the Constitution of India. However, the petitioner shall file an interlocutory application seeking renewal of license before the appellate authority wherein the appeal is pending and on receipt of the same, the appellate authority shall decide the interlocutory application within two weeks from the date of receipt of the said application and also decide the main appeal itself as expeditiously as possible preferably within a period of two months from the date of receipt of the copy of this order.

[9] With the above observations and directions, the present petition stands disposed of. As a sequel, miscellaneous application, pending if any, shall stands closed.

T. AMARNATH GOUD, J

A. Ghosh

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